

3993 Howard Hughes Parkway, Suite 600
Las Vegas, NV 89169-5996
Facsimile (702) 949-8321
Telephone (702) 949-8320

E-Filed on 7/30/07

Susan M. Freeman AZ State Bar No. 004199
Email: sfreeman@lrlaw.com
Rob Charles NV State Bar No. 006593
Email: rcharles@lrlaw.com

Attorneys for USACM Liquidating Trust

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEVADA

In re:

USA COMMERCIAL MORTGAGE COMPANY,
USA CAPITAL REALTY ADVISORS, LLC,
USA CAPITAL DIVERSIFIED TRUST DEED FUND,
LLC,
USA CAPITAL FIRST TRUST DEED FUND, LLC,
USA SECURITIES, LLC,
Debtors.

Case No. BK-S-06-10725-LBR
Case No. BK-S-06-10726-LBR
Case No. BK-S-06-10727-LBR
Case No. BK-S-06-10728-LBR
Case No. BK-S-06-10729-LBR

CHAPTER 11

Jointly Administered Under
Case No. BK-S-06-10725 LBR

**Objection Of The USACM Liquidating Trust
To Osvaldo Zunino Living Trust dtd 12/18/98's
Claim Asserting Secured Status**

Affects:

- ☐ All Debtors
☒ USA Commercial Mortgage Company
☐ USA Capital Realty Advisors, LLC
☐ USA Capital Diversified Trust Deed Fund, LLC
☐ USA Capital First Trust Deed Fund, LLC
☐ USA Securities, LLC

Hearing Date: October 15, 2007
Hearing Time: 9:30 a.m.

Osvaldo Zunino Living Trust dtd 12/18/98 filed Proof of Claim Nos. 10725-02548, 10725-02549-2 which Amends 10725-02549-1, and 10725-02550 against USA Commercial Mortgage Company ("USACM"). The Proof of Claim asserts a secured claim. The USACM Liquidating Trust (the "USACM Trust") hereby objects to Osvaldo Zunino Living Trust dtd 12/18/98's assertion that the claim is secured by a valid lien on USACM property and moves this Court, pursuant to 11 U.S.C. § 502 and Rule 3007 of the Federal Rules of Bankruptcy Procedure, for an order reclassifying Claim Nos. 10725-02548, 10725-02549-2 which Amends 10725-02549-1, and 10725-02550 as general

1 unsecured claims. The USACM Trust is not, by this filing, objecting at this time to any of
2 the claims as unsecured claims or on grounds that the claims were untimely filed, but
3 reserves the right to do so. The basis for this Objection is fully explained in the USACM
4 Liquidating Trust's Motion for Summary Judgment Regarding (1) Responses to the
5 USACM Trust's First through Thirty-Third Omnibus Objections to Claims Asserting a
6 Secured Status; (2) Responses to the USACM Trust's First through Third Omnibus
7 Objections to Claims Asserting a Priority Status; And (3) Newly Alleged Secured And
8 Priority Claims (the "Motion"), filed today. The USACM Trust will serve a copy of the
9 Motion with this objection.

10 Dated: July 30, 2007.

11 **LEWIS AND ROCA LLP**

12
13 By: /s/ RC (#6593)

14 Susan M. Freeman, AZ 4199 (*pro hac vice*)

15 Rob Charles, NV 6593

16 John Hinderaker, AZ 18024 (*pro hac vice*)

3993 Howard Hughes Parkway, Suite 600

Las Vegas, Nevada 89169-5996

17 Facsimile (702) 949-8321

18 Telephone (702) 949-8320

19 Email: RCharles@LRLaw.com

20 *Counsel for USACM Liquidating Trust*